

**Kasim Reed**  
Mayor



**CITY OF ATLANTA**

**OFFICE OF BUILDINGS**  
55 TRINITY AVENUE, S.W., SUITE 3800  
ATLANTA, GEORGIA 30303-0309  
Tel: 404-330-6175

**Department of Planning and  
Community Development**  
**James E. Shelby**  
Commissioner

**Office of Buildings**  
**Don Rosenthal, MBA, CBO**  
Director

**Zoning Enforcement**  
**Division**  
**Gregory L. Pace**  
Chief

## **Instructions for Documenting Nonconforming Uses**

If the City of Atlanta – Office of Buildings cannot document that the subject property is a legal non-conforming use through their records, it becomes the responsibility of the interested party to furnish such documentation.

The Office of Buildings requirements are as follows:

- Three affidavits which have been signed and notarized from persons having personal knowledge of the subject property.
- Affidavits must contain reference to specific time periods and at least one of the three affidavits must date back to 1954.
- A detailed description of the non-conforming situation should be included sufficient for a determination to be made by an inspector that personal knowledge does exist.
- Affidavits should include the following points of information:
  1. Location of property in question
  2. Time period which is being attested
  3. How personal knowledge was acquired
  4. Description of the non-conformity as it existed during the prescribed time period.
- Affidavits should document that:
  1. The non-conformity has been in continuous existence / operation since 1954.
  2. It has not been vacant for 12 consecutive months.
  3. That the degree of non-conformity has not been reduced or that it has not been destroyed by 60% of its replacement value.

# AFFIDAVIT (1)

ADDRESS: \_\_\_\_\_

\_\_\_\_\_, personally appeared before me the undersigned deponent,  
who being duly sworn, deposes and says in oath that (s)he has personal knowledge that the  
property located at \_\_\_\_\_ and known as  
\_\_\_\_\_ from \_\_\_\_ / \_\_\_\_ / \_\_\_\_ until \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(type of structure)  
and that his/her relation to the property is  
\_\_\_\_\_.

Deponent's attention has been directed to the fact that this affidavit will be relied upon by the City  
of Atlanta for making determinations of correct legal zoning of the above stated property.

\_\_\_\_\_  
Deponent (print name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, & Zip Code)

\_\_\_\_\_  
(Contact Number)

\_\_\_\_\_  
Deponent's signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC SEAL AND SIGNATURE

## AFFIDAVIT (2)

ADDRESS: \_\_\_\_\_

\_\_\_\_\_, personally appeared before me the undersigned deponent,  
who being duly sworn, deposes and says in oath that (s)he has personal knowledge that the  
property located at \_\_\_\_\_ and known as  
\_\_\_\_\_ from \_\_\_\_ / \_\_\_\_ / \_\_\_\_ until \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(type of structure)  
and that his/her relation to the property is  
\_\_\_\_\_.

Deponent's attention has been directed to the fact that this affidavit will be relied upon by the City  
of Atlanta for making determinations of correct legal zoning of the above stated property.

\_\_\_\_\_  
Deponent (print name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, & Zip Code)

\_\_\_\_\_  
(Contact Number)

\_\_\_\_\_  
Deponent's signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC SEAL AND SIGNATURE

# AFFIDAVIT (3)

ADDRESS: \_\_\_\_\_

\_\_\_\_\_, personally appeared before me the undersigned deponent,  
who being duly sworn, deposes and says in oath that (s)he has personal knowledge that the  
property located at \_\_\_\_\_ and known as  
\_\_\_\_\_ from \_\_\_\_ / \_\_\_\_ / \_\_\_\_ until \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(type of structure)  
and that his/her relation to the property is  
\_\_\_\_\_.

Deponent's attention has been directed to the fact that this affidavit will be relied upon by the City  
of Atlanta for making determinations of correct legal zoning of the above stated property.

\_\_\_\_\_  
Deponent (print name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(City, State, & Zip Code)

\_\_\_\_\_  
(Contact Number)

\_\_\_\_\_  
Deponent's signature

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC SEAL AND SIGNATURE